IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 816 of 2006 (S/S)

1. Leeladhar Satyawali
   S/o Sri S.R. Satyawali
2. Girdhari Lal
   S/o Sri Nand Lal

…….. Petitioners

Versus

1. State of Uttaranchal
   through Principal Secretary,
   Revenue Department, Govt. of Uttaranchal,
   Dehradun.
2. District Magistrate, Nainital.
3. Sub Divisional Magistrate,
   Dhari, District Nainital.
4. Sub Divisional Magistrate,
   Betalghat, District Nainital.
5. Sub Divisional Magistrate
   Ramnagar, District Nainital.
6. Sub Divisional Magistrate,
   Nainital, District Nainital.

…… Respondents

Mr. Alok Mehra, Advocate holding brief of Mr. Manoj Tiwari, learned counsel for the petitioners.
Mr. N.P. Sah, learned Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Learned counsel for the parties are present.

2) By means of this petition, petitioner No. 1, a Seasonal Collection Amin and petitioner No. 2, a Seasonal Assistant Wasil Baqi Nawis, with the Revenue Department of the State, have sought their regularisation in service.

3) In para 15 and 16 of the writ petition, it has been stated that under the U.P. Collection Amins Service Rules, 1974,

(applicable to the State of Uttaranchal) the Government has power to create additional and temporary vacancies, and petitioners are entitled to be regularized under said Rules. Annexue-11, which is copy of Government Order dated 9th June 2006, the Government has created certain posts of Collection Amins, Collection Peons and Assistant Wasil Baqi Nawis, in various hill districts of Uttaranchal.

4) In view of the principle of law laid down in ***Secretary State of Karnataka Vs. Uma Devi, reported in (2006) 4 Supreme Court Cases Page 01,*** that employees engaged on contract basis, on daily wages or the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioners.

5) The writ petition is dismissed with the observation that the petitioners may make representation to the authority concerned, if their cases are covered under aforesaid Rules, or the Government Order. Interim order, if any, stands vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: December 01, 2006
H.Negi